

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

State of Oklahoma,)	
)	
Plaintiffs,)	Case No. 4:05-cv-00329-GKF-PJC
)	
vs.)	DEFENDANTS' JOINT MOTION FOR
)	EXTENSION OF TIME TO FILE
Tyson Foods, Inc., et al.,)	EXPERT REPORTS ON DAMAGES
)	
Defendants.)	
)	

Pursuant to Federal Rule of Civil Procedure 16, Defendants jointly move the Court for an extension of the pretrial schedule allowing time for Defendants to file expert reports on damages.

Plaintiffs have failed to produce all expert-considered materials regarding survey and other information underpinning their expert reports on damages. Under the tight pretrial schedule in this matter – which allowed Defendants and their damages experts just two months to prepare responsive reports – Plaintiffs' delay in producing all materials is hugely consequential. Moreover, the sheer volume of materials that *were* produced has proved incredibly time-consuming to evaluate. For all of these reasons, and as fully explained in the accompanying Defendants' Motion to Compel Production of Considered Expert Materials and Integrated Brief (Dkt. No. 1854), good cause exists to modify the pretrial schedule to allow Defendants sufficient time to prepare their responsive damage analyses.

Specifically, the Court should extend Defendants' deadline to serve damage reports from March 2 until June 2, 2009. Defendants submit that no other dates in the Court's Schedule would be affected by this narrow extension, as Plaintiffs are not entitled to a rebuttal damages report and as the trial in this matter is not set until September 2009.

Defendants have contacted Plaintiffs' counsel and have asked whether Plaintiffs have any objection to the requested extension. As of the time that this motion is filed, Plaintiffs have not yet responded to Defendants' question.

Dated: February 13, 2009

Respectfully submitted,

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I certify that on the 13th day of February, 2009, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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